

Message Text

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ACTION COME-00

INFO OCT-01 EUR-12 ISO-00 AGR-10 CEA-01 CIAE-00 DODE-00

EB-07 FRB-01 H-02 INR-07 INT-05 L-03 LAB-04 NSAE-00

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TRSE-00 USIA-15 PRS-01 SP-02 OMB-01 FEA-01 /107 W

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R 191727Z DEC 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 5246

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DEPARTMENT PASS AGRICULTURE FOR HANK FAYANS

E.O. 11652: N/A

TAGS: EAGR, GW

SUBJECT: MULTILATERAL TRADE NEGOTIATIONS - MARK OF
ORIGIN REQUIREMENTS

REF: STATE 290860

1. THE FRG HAS NO REPEAT NO GENERAL REQUIREMENT THAT
IMPORTED PRODUCTS MUST BE MARKED AS TO COUNTRY OF ORIGIN.
HOWEVER, WHEN THE PRODUCT IS MARKED AS TO COUNTRY OF
ORIGIN, IT MUST BE A TRUE STATEMENT OF ORIGIN. ANY
PRODUCT FALSELY MARKED AS TO COUNTRY OF ORIGIN IS NOT
ALLOWED ENTRY OR MAY BE SEIZED. LEGAL BASE: LAW ON
THE GERMAN REICH'S JOINING THE MADRID AGREEMENT CON-
CERNING THE SUPPRESSION OF FALSE ORIGIN STATEMENTS
ON COMMODITIES OF MARCH 21, 1925, GESETZ UEBER DEN
BEITRITT DES REICHES ZU DEM MADRIDER ABKOMMEN BETREFFEND
DIE UNTERDRUECKUNG FALSCHER HERKUNFTSANGABEN AUF
WAREN VOM 21 MARCH 1925. PUBLISHED:

REICHSGESETZBLATT (RGL) 1925, II, PAGE

115;

AMENDMENTS PUBLISHED:

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BUNDESGESETZBLATT (BGBL) 1967, I, PAGE 953;

BUNDESGESETZBLATT (BGBL) 1974, I, PAGE 469.

2. IN ADDITION, GERMANY HAS BILATERAL AGREEMENTS WITH THE FOLLOWING COUNTRIES PERTAINING TO COUNTRY OF ORIGIN OR REGIONS OF ORIGIN MARKINGS: CUBA, FRANCE, ITALY, GREECE, SWITZERLAND, AND SPAIN. THESE AGREEMENTS COVER CERTAIN SPECIFIC FOOD AND NON-FOOD PRODUCTS WHICH DIFFER FOR THE VARIOUS COUNTRIES. IN THE CASE OF FRANCE, FOR EXAMPLE, IT COVERS COGNAC, ARMAGNAC, CERTAIN WINES, CHAMPAGNE, CERTAIN CHEESES, CERTAIN VEGETABLES.

3. FURTHERMORE, THE TRADEMARK LAW, SPECIFICALLY ARTICLE 28, PROVIDES GERMAN PRODUCERS PROTECTION FOR THEIR TRADEMARKS AND BRANDS. THIS MEANS NO FOREIGN PRODUCER MAY FALSELY USE A GERMAN BRAND OR CLAIM GERMAN ORIGIN FOR HIS PRODUCTS. LEGAL BASIS: WAREN ZEICHENGESETZ OF JANUARY 2, 1968, PUBLISHED BGBL 1968, I, PAGE 29 AND 429; WITH THE FOLLOWING AMENDMENTS BGBL 1970, I, 805; BGBL I, PAGE 469 AND 3416.

4. THE FOOD LABELING ORDINANCE (LEBENSMITTEL KENNZEICHNUNGSVERORDNUNG) OF MAY 8, 1935 AS AMENDED PROVIDES FOR GENERAL LABELING REQUIREMENTS. ACCORDING TO ARTICLE 2, THE REQUIREMENTS FOR FOOD PRODUCTS SUBJECT TO THIS ORDINANCE ARE FOR THE FOLLOWING INFORMATION TO APPEAR ON THE PACKAGE OR CONTAINER CONSPICUOUSLY AND IN THE GERMAN LANGUAGE, IN CLEARLY VISIBLE AND EASILY LEGIBLE CHARACTERS: THE PRODUCER'S NAME OR FIRM AND THE PLACE WHERE THE HEAD OFFICE IS SITUATED. SHOULD THE HEAD OFFICE OF THIS FIRM BE SITUATED IN A FOREIGN COUNTRY BUT THE FOOD PRODUCT PRODUCED WITHIN THE FRG, THE PLACE OF PRODUCTION, MUST ALSO BE STATED IN THE FOLLOWING WAY: QUOTE PRODUCED IN . . . UNQUOTE IF A PERSON OTHER THAN THE PRODUCER MARKETS THE FOOD IN A PACKAGE OR CONTAINER UNDER HIS OWN NAME OR FIRM, HIS NAME AND ADDRESS SHOULD BE SHOWN ON THE LABEL INSTEAD OF THAT OF THE PRODUCER. THE FOOD PRODUCTS SUBJECT TO THE ABOVE REQUIREMENTS (PARA 4) ARE LISTED IN ARTICLE UNCLASSIFIED

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I OF THE SAME ORDINANCE AND ARE AS FOLLOWS:

- A. MEAT, MEAT PRODUCTS AS WELL AS PRODUCTS TO WHICH MEAT AND MEAT PRODUCTS WERE ADDED, IN AS FAR AS THE ADDED PORTION IS NOT ONLY USED FOR DECORATION;
- B. FISH AND OTHER COLD-BLOODED ANIMALS, AND PRODUCTS THEREOF AS WELL AS PRODUCTS TO WHICH THESE ANIMALS OR PRODUCTS OF THESE ANIMALS WERE ADDED, IN AS FAR AS THE ADDED PORTION IS NOT ONLY USED

FOR DECORATION;
C. CRUSTACEANS AND MOLLUSKS AND PRODUCTS THEREOF
AS WELL AS PRODUCTS TO WHICH THESE ANIMALS OR
PRODUCTS THEREOF WERE ADDED IN AS FAR AS THE

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ADDED PORTION IS NOT ONLY USED FOR DECORATION;
D. ELIMINATED;
E. VEGETABLE, PRESERVED VEGETABLE PRODUCTS INCLUDING
PULSES MUSHROOMS, PRESERVED MUSHROOM PRODUCTS AS
WELL AS OTHER PRODUCTS MADE FROM VEGETABLES.
F. FRUIT, INCLUDING NUTS AND OTHER SHELL FRUIT,
PRESERVED FRUIT PRODUCTS AS WELL AS OTHER FOODS
TO WHICH THESE PRODUCTS WERE ADDED;
G. HONEY, ARTIFICIAL HONEY, SUGAR BEET SYRUP, OTHER
EDIBLE SYRUP, SACCHAROSE, STARCH SUGAR, GLUCOSE,
DEXTROSE, FRUCTOSE, MALTOSE, IN ALL CRYSTAL
SIZES COMMONLY TRADED;
H. DIETETIC FOODS;
I. ALL BEVERAGES EXCLUDING MINERAL WATER;
J. PROTEIN EXTRACTS OF ANIMAL OR PLANT ORIGIN;
SOUPS, BROTHS, CONDIMENTS, AS WELL AS PRODUCTS

OF THESE FOODS, IN AS FAR AS THEY ARE NOT COVERED
BY NOS. 1 THROUGH 3; FURTHERMORE, PROTEIN CON-
CENTRATES OF PLANT ORIGIN; MAYONNAISE AND
SIMILAR PRODUCTS OTHER EMULSIFIED SAUCES;
K. EGG PRODUCTS AND EGG PRODUCT SURROGATES;
L. PUDDING POWDER, AND SIMILAR PRODUCTS; STARCH
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BAKING POWDER AND SIMILAR PRODUCTS USED FOR
BAKING;
M. SPICES AND PRODUCTS THEREOF SPICE SURROGATES, AS
WELL AS PRODUCTS MADE FROM HORSE RADISH OR MUSTARD;
VINEGAR;
N. COCOA AND COCOA PRODUCTS AS WELL AS MIXES IN POW-
DER FORM CONTAIN COCOA;
O. SUGAR PRODUCTS AS WELL AS PRODUCTS MADE FROM
ALMONDS, NUTS AND OTHER OIL SEEDS;
P. COFFEE, COFFEE SURROGATES AND SIMILAR COFFEE
PRODUCTS, TEA, AND PRODUCTS SIMILAR TO TEA-MATE,
INCLUDING EXTRACTS OF THESE PRODUCTS;
Q. GRAIN KERNELS, ALSO MALTED READY-TO-USE BAKING
MIXES MADE FROM GRAIN MILLING PRODUCTS, AS WELL
AS PRODUCTS STEMMING FROM ROLLING, FLAKING, AND
HULLING OF GRAINS, PASTA GOODS, GRAIN-BASED
PRODUCTS USED IN SOUPS, GRAIN-BASED DOUGHS USED
FOR BAKING OR PREPARATION OF OTHER FOOD PRODUCTS,
BREADCRUMBS;
R. POTATO PRODUCTS INCLUDING DOUGHS BASED ON
POTATOES;
S. DURABLE BAKERY PRODUCTS AND FINE BAKERY PRODUCTS;
T. EDIBLE OILS, EDIBLE FATS--ALSO IN MIXTURES--
EXCLUDING BUTTER, MARGERINE, AND ARTIFICIAL
EDIBLE FATS;
U. READY-TO-COOK OR READY-TO-EAT PROCESSED MEALS
INCLUDING ICE CREAM IN PACKAGES OF OVER 150
CM 3, IN AS FAR AS THESE PRODUCTS ARE NOT COVERED
IN NOS. 1 THROUGH 3 AND 10;

5. ALL APPROVED FOOD ADDITIVES SUCH AS COLORING
SUBSTANCES, PRESERVATIVES, ANTIOXIDANTS, ETC. ARE
SUBJECT TO THE LABELING REQUIREMENTS PROVIDED FOR BY
THE RESPECTIVE FOOD ADDITIVE ORDINANCES, SUCH AS
GENERAL FOREIGN SUBSTANCE ORDINANCE, FOOD COLORING
ORDINANCE, PRESERVATIVE ORDINANCE, ETC. THE PRO-
VISIONS REQUIRING THE NAME AND ADDRESS OF THE
PRODUCER OR THE FIRM MARKETING THE PRODUCT IN ALL
THE SPECIFIC FOOD ADDITIVE ORDINANCES ARE
IDENTICAL IN SUBSTANCE WITH THOSE PROVIDED FOR
BY THE GENERAL FOOD LABELING ORDINANCE (SEE SECTION
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4 OF THIS CABLE.)

6. IMPORTED WINES, CHAMPAGNE, BRANDY AND OTHER WINE-BASED PRODUCTS MUST BEAR IN THE GERMAN LANGUAGE THE COUNTRY OF ORIGIN OR THE ADJECTIVE DERIVED THEREFORE OR IN CASE NO COUNTRY OF ORIGIN IS GIVEN, THESE PRODUCTS MUST BE LABELED AS QUOTE FOREIGN WINE.UNQUOTE LEGAL BASIS: GERMAN WINE LAW OF JULY 14, 1971, ARTICLE 20 AND 44.

7. HARD LIQUOR MUST BEAR IN THE GERMAN LANGUAGE THE NAME AND ADDRESS OF THE PRODUCER AND IF APPLICABLE THE TERM QUOTE FOREIGN PRODUCT.UNQUOTE LEGAL BASIS: THE ALCOHOL MONOPOLY LAW ARTICLE 100, PARA 4). LABELING MUST BE CONSPICUOUS AND THE CHARACTERS MUST BE AT LEAST 3 MM HIGH. LEGAL BASIS: IMPLEMENTING ORDINANCE TO THE ALCOHOL MONOPOLY LAW (VERWERTUNGSORDNUNG ZUM BRANTWEIN MONOPOL GESETZ) ARTICLE 131.

8. IN ADDITION TO THE NAME AND ADDRESS OF THE

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PRODUCER OR THE FIRM MARKETING THE PRODUCT, THE FOLLOWING FOOD PRODUCTS ARE SUBJECT TO AN ADDITIONAL MANDATORY REPEAT MANDATORY COUNTRY OF ORIGIN LABELING: BUTTER (BUTTER ORDINANCE, OF AUGUST 10, 1970, ARTICLE 19, PARA (3), NO. 4); CHEESE (CHEESE ORDINANCE OF JUNE 24, 1965, ARTICLE 8, PARA (1), NO. 5); MEAT (MINIMUM REQUIREMENT ORDINANCE OF JULY 23, 1965, SECTION 7), POULTRY MEAT (POULTRY MEAT INSPECTION ORDINANCE, ENCLOSURE 1 SECTION III, LABELING OF POULTRY MEAT, PARA 2B.

9. THE GERMAN MEASURING AND GAUGING LAW OF JULY 11, 1969, ARTICLE 14 IN CONNECTION WITH THE PACKAGING ORDINANCE OF DECEMBER 16, 1971, ARTICLE 21, CALLS FOR ESSENTIALLY THE SAME LABELING REQUIREMENTS AS OUTLINED UNDER NO. 4 OF THIS CABLE FOR THE FOLLOWING PRODUCTS IN PACKAGES INTENDED FOR SALE TO THE CONSUMER. FOODS AND FOOD PRODUCTS, SUBSTANCES USED IN CLEANING, COLORING, OR BEAUTIFYING OF THE SKIN, HAIR, NAILS, OR THE MOUTH CAVITY, CLEANSERS AND POLISHES FOR FLOORS, LAQUEURS, LEATHER, AND FURNITURE, MINERAL OILS
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AND SOLID FUELS, READY-TO-USE PAINTS AND LAQUEURS IN CONTAINERS HAVING A CONTENT OF NOT LESS THAN 0.05 AND NOT MORE THAN 5.0 KILOGRAMS OR LITERS.

10. THE MARGARINE LAW OF JUNE 15, 1897, ARTICLE 2, PARA 2 NO. 2, PROVIDES FOR MARGARINE AND SIMILAR PRODUCTS ESSENTIALLY THE SAME LABELING REQUIREMENT AS SHOWN UNDER NO. 4 OF THIS CABLE.

11. THE FRG LAW ON THE MANUFACTURE, SALE AND DISTRIBUTION OF DRUGS (LAW ON DRUGS) OF MAY 16, 1961, PROVIDES THAT DOMESTIC DRUG TRADE IS SUBJECT TO SPECIFIC LABELING REQUIREMENTS SHOWING THE NAME AND ADDRESS OF THE PRODUCER AS WELL AS INFORMATION DESCRIBING THE CONTENTS AND METHOD OF APPLICATION. THE LABELING REQUIREMENTS ARE ALSO APPLICABLE TO IMPORTED DRUGS. ARTICLE 9 OF THE DRUG LAW REQUIRES THAT THE NAME AND ADDRESS OF THE MANUFACTURER, LICENSEE OR DISTRIBUTOR BE MARKED CLEARLY ON CONTAINERS AND OUTER WRAPPINGS, IF USED, OF ALL

PHARMACEUTICALS MANUFACTURED, SOLD OR DISTRIBUTED WITH-
IN THE FRG. IN ADDITION, ARTICLE 11 REQUIRES THAT THE
NAME OF THE IMPORTERS ALSO BE MENTIONED CLEARLY ON
CONTAINERS AND OUTER WRAPPINGS OF ALL IMPORTED PHARMA-
CEUTICALS. THE LAW DOES NOT SPECIFY THAT THE INFORMA-
TION MUST BE IN GERMAN. ONLY GERMAN LANGUAGE REQUIRE-
MENT PERTAINS TO INSTRUCTIONS FOR USING DRUGS.

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